

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

SHELLY M. SMITH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 2:03CV261
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

O R D E R

THIS MATTER is before the Court on Plaintiff's "Motion For Attorney's Fees Under the Equal Access to Justice Act" filed September 15, 2005. By response filed September 26, 2005, the Commissioner advises that she will not oppose an award of \$903.12, provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. § 2412(d).

IT IS, THEREFORE, ORDERED that the Plaintiff's petition for attorney's fees is **ALLOWED**, and an attorney fee in the amount of **NINE HUNDRED THREE DOLLARS AND TWELVE CENTS (\$903.12)** is hereby awarded.

IT IS FURTHER ORDERED that no additional petition pursuant to 28 U.S.C. § 2412(d) may be filed.

Signed: October 3, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

